IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

CRIMINAL APPEAL No.1680 of 2001
(Old No.139 of 1999)

Fakir Chandra & another

... Appellants

Versus

The State

... Opposite Party

Dated: July 16, 2007

Smt. Pushpa Joshi, learned counsel for the appellants
Sri Harish Pujari, learned Addl.G.A. for the State/opp. party

HON. DHARAM VEER, J.

This criminal appeal, preferred under Section 449 of The Code of Criminal Procedure, 1973 (*hereinafter to be referred as Cr.P.C.*), is directed against the order-dated 06.11.1998 passed by Sessions Judge, Nainital in S.T. No.336 of 1997 State Vs. Shakeel & others.

By order dated 6.11.1998, the learned Sessions Judge, Nainital has forfeited and bonds of the accused Navi Ahmed and Shakeel and directed to register a miscellaneous case and also directed to issue notice u/s 446 of Cr.P.C. Against the order dated 6.11.1998, the appellants have filed the present appeal before this Court.

I have perused the order dated 6.11.1998 passed by Sessions Judge, Nainital. I do not find any illegality or irregularity in the said order. The said order is as per law. However, Smt. Pushpa Joshi, learned counsel for the appellants submitted that she may be given the liberty to file a fresh appeal against the order dated 01.02.1999.

In view of the above, the appeal is dismissed. The order dated 06.02.1998 passed by Sessions Judge, Nainital is hereby confirmed. However, the liberty is given to the appellants to file fresh appeal against the order dated 01.02.1999 as per law. Interim order dated 29.10.1999 is hereby vacated.

(Dharam Veer, J.)

Rajeev Dang